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ARTICLE

Violence and the Biopolitics of Modernity

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ABSTRACT: The paper studies the relationship between political violence and biological life in the thought of Hannah Arendt, Giorgio Agamben and Michel Foucault. I follow Foucault in arguing that understanding political violence in modernity means rethinking the ontological boundary between biological and political life that has fundamentally ordered the Western tradition of political thought. I show that while Arendt, Agamben and Foucault all see the merging of the categories of life and politics as the key problem of Modernity, they understand this problem in crucially different terms and suggest different solutions to it. This results in different understandings of the relationship between violence and the political. It is my contention that the violence of modern biopolitical societies is not due to originary ties between sovereign power and biopower, as Agamben claims. Sovereign states use biopolitical methods of violence, but this violence is not an originary or necessary aspect of political power. In order to criticise the forms of violence specific to modern biopolitical societies we must expose the points of tension, as well as of overlap between two types of power – biopower and sovereign power. Understanding their distinctive rationalities is crucial for developing effective strategies against current forms of political violence.

Keywords: violence, the political, biopower, biopolitics, sovereignty, life, Foucault, Arendt, Agamben.

A. S. Byatt's intriguing novella, *Morpho Eugenia*, tells the story of a young Victorian naturalist, William Adamson, whose objects of study are social insects and their highly specialised behaviour patterns. The story follows his inner turmoil as he observes the ferocious violence of ant life and the disconcerting parallels between their stratified society and his own Victorian class society. Yet, when he is questioned on what we might learn from a comparison between human societies and those of social insects he is quick to insist that analogy is a slippery tool: "Men are not ants." Nevertheless, the story raises haunting questions fundamental to Western political thought: Why are men *not* like ants? Why is human political violence not just another deterministic struggle for survival in which individuals carry out their biologically predestined functions for the survival of the species, their individual lives dispensable and endlessly replaced?

The classical philosophical answer has been to insist on the specificity of the political. Ants might be social insects, but only man is a political animal. Whereas human bodily existence and biological life are inextricably tied to the violent struggle for survival and the cycle of birth and death, the defining feature of Western tradition of political thought has been the separation of the political from the biological. Aristotle famously connects the specificity of human politics to our ability to speak, arguing in the first book of *Politics* that human society is distinguished from that of “bees or other gregarious animals” in that it is founded on a political community that is capable of speech. Through language it is possible to express not simply what is pleasant and painful, but what is good and evil as well as just and unjust: “it is the peculiarity of man, in comparison with other animals, that he alone possesses a perception of good and evil, of the just and the unjust, and other similar qualities; and it is association in these things which makes a family and a city.”¹ Thus, according to the ancient conception, politics is not about the pure preservation and enhancement of natural life, but it makes it possible to live a life according to moral values and political principles. Politics is the means of separating and placing in opposition human society to other animals, but also to its own biological existence.

An influential strand of contemporary political thought claims that what characterises Modernity is the disappearance of the boundary that separates a political community from its biological existence. Foucault famously presents biopolitical power, or biopower, as the overturning of the ancient categories of biological and political existence that have organised Western political thought: “For millennia, man remained what he was for Aristotle: a living animal with the additional capacity for a political existence; modern man is an animal whose politics places his existence as a living being into question.”² His claim is that modern politics does not exclude life, but takes it as its primary object: politics has become biopolitics.

My aim in this paper is to follow Foucault and argue that understanding the relationship between violence and the political in Modernity means rethinking the ontological distinction between biological and political life that has fundamentally ordered the Western tradition of political thought. I will begin with a brief discussion of Hannah Arendt’s and Giorgio Agamben’s positions, but my focus is on Foucault’s understanding of biopolitics. I will show that whereas Arendt, Agamben and Foucault all see the merging of the categories of life and politics as the key problem of Modernity, they understand this problem in crucially different terms and suggest different solutions. This results in different understandings of the relationship between violence and the political. In conclusion I argue that it is vital to fully understand the governmental rationality of modern biopolitical societies in order to develop effective strategies against their specific forms of political violence.

¹ Aristotle, *Politics* (Oxford: Oxford University Press, 1995), 11.

² Michel Foucault, *The History of Sexuality, Vol 1, An Introduction*, trans. by Robert Hurley (Harmondsworth: Penguin, 1978), 143.

Arendt and Instrumental Violence

Hannah Arendt's contested notion of "the social" has been understood in varying ways by her commentators and critics alike.³ On the one hand, she describes its rise in terms of *de facto* historical development connected to the birth of the modern bureaucratic state and consumerist mass society.⁴ The rise of the social was made possible by the birth of the nation-state in which it found its political form: politics became equated with the "nation-wide administration of housekeeping."⁵ Private matters and interests assumed public significance and economic concerns became central issues of politics.

The social also functions as an ontological concept, however. It denotes a distorted domain in which the life process has been brought into the political realm. The social is not strictly public or private, but is a hybrid realm in that it is concerned with the public administration of biological life: the life of the individual body and the propagation of the species. Arendt claims that in the social sphere man does not exist as a human being, but only as a specimen of the animal species mankind. Modern society is like ant society: a society of labourers and jobholders whose activities are centred around the maintenance and improvement of life itself: "Society is the form in which the fact of mutual dependence for the sake of life and nothing else assumes public significance and where the activities connected with sheer survival are permitted to appear in public."⁶ The crisis of modern politics is due to the rise of the social: the fact that concern for biological life has taken over the public realm. Modern society is not a properly political organisation, it is a public organisation of "the life process itself."⁷ Life itself has become the supreme standard and the highest good to which everything else is referred.

In Arendt's threefold schema of labour, work and action, labour is the activity that corresponds to the biological process of the human body—the satisfaction of its vital needs, its metabolisms and necessary consumption. Labour is the activity that man shares with other forms of animal life because all life depends on it. Her central claim in *The Human Condition* is that in the modern age, labour, and with it the maintenance of biological life, has become the most important activity: the whole of society has become a labouring society aiming solely at increased consumption, economic growth and material well-being. We are not satisfied with securing the necessities of life in order to be free to engage in higher, specifically human

³ Her feminist critics have seen it as another expression of her masculinism and her hostile attitude to the feminine, private realm. Hanna Pitkin has compared it to a monstrous Blob that is gobbling up our freedom and politics. See, Hanna Pitkin, "Conformism, Housekeeping, and the Attack of the Blob: The Origins of Hannah Arendt's Concept of the Social," in Bonnie Honig (ed.), *Feminist Interpretations of Hannah Arendt* (University Park: Pennsylvania State University Press, 1995), 53. On the criticism of the distinction between social and political realms, see also e.g., Richard Bernstein, *Philosophical Profiles: Essays in a Pragmatic Mode* (Philadelphia: University of Pennsylvania Press, 1986), 238-260.

⁴ In *The Human Condition* Arendt expresses concern with the conformism and normalisation that modern societies impose through "innumerable and various rules, all of which tend to normalize its members, to make them behave, to exclude spontaneous action or outstanding achievement." Hannah Arendt, *The Human Condition* (Chicago and London: The University of Chicago Press, 1998), 40.

⁵ *Ibid.*, 28.

⁶ *Ibid.*, 46.

⁷ *Ibid.*

pursuits. Freedom from need does not mean that we have more free time for other things than consumption, the satisfying of increasingly sophisticated and complex appetites. "Our whole economy has become a waste economy, in which things must be almost as quickly devoured and discarded as they have appeared in the world."⁸ The exclusive emphasis on labour in modernity means that an authentically human way of life devoted to politics, action and speech is not possible for us.

Arendt repeatedly insists that in ancient Greece the sphere of politics, *polis*, excluded from its sphere of public concern the biological necessities of life, which were confined to the private sphere of the household, *oikos*. The distinction was essential not just for maintaining the distinctiveness of the political as a sphere of public deliberation and speech, but also, by negation, for excluding the inevitable violence of biological life.⁹ The distinctive trait of the household sphere was that it was ruled by necessity. Men lived together in a household, just as ants lived together, in order to master the necessities of life and survive as individuals and as a species. Violence was justified and inescapable in this sphere, but it was prepolitical, as opposed to political, violence. The realm of the *polis*, on the contrary, was the sphere of freedom untainted by the necessities of life: language and not violence belonged essentially to politics. She notes that "the Greek *polis*, the city-state, defined itself explicitly as a way of life that was based exclusively upon persuasion and not upon violence."¹⁰

To be political, to live in a *polis*, meant that everything was decided through words and persuasion and not through force and violence. In Greek self-understanding, to force people by violence, to command rather than persuade, were prepolitical ways to deal with people characteristic of life outside of *polis*, of home and family life.¹¹

Arendt's carefully qualified understanding of the political thus cuts any deterministic tie politics might be thought to have to violence. It opens up the realm of specifically human communality, the political: the realm of freedom, spontaneity and creativity as opposed to the realm of necessity, violence and survival. She carefully safeguards the political as a realm of non-violence, speech and action by cutting it loose from the body and from biological life.

In her thought, the unprecedented violence of modernity can therefore be seen as another consequence of the dominance of the social over the political: the violence intrinsic to survival comes to dominate the sphere of the political in different forms. She argues that every attempt to solve the social question by political means has inevitably led to terror.¹² The French Revolution is her paradigmatic example. In *On Revolution* she famously attributes its failure to found a stable political regime, as well as the horrendous violence that accompanied it, to the fact that "the poor, driven by the needs of their bodies, burst onto the scene of the French Revolution."¹³

⁸ Ibid., 134.

⁹ See e.g., *ibid.*, 26, 31, 129.

¹⁰ Hannah Arendt, *On Revolution* (Harmondsworth: Penguin, 1990), 12.

¹¹ Hannah Arendt, *The Human Condition*, 27.

¹² Hannah Arendt, *On Revolution*, 112.

¹³ Ibid., 59.

Poverty is more than deprivation, it is a state of constant want and acute misery whose ignominy consists in its dehumanizing force; poverty is abject because it puts men under the absolute dictate of their bodies, that is, under the absolute dictatorship of necessity as all men know from their most intimate experience and outside of all speculations. It was under the rule of this necessity that the multitude rushed to the assistance of the French Revolution, inspired it, drove it onward, and eventually sent it to its doom, for this was the multitude of the poor. When they appeared on the scene of politics, necessity appeared with them, and the result was that the new republic was still born; freedom has to be surrendered to necessity, to the urgency of the life process itself.¹⁴

When the hungry mob appeared as the revolutionary agent, the political ideals of freedom and democratic rule had to be compromised. The political demands of the people were made on behalf of sheer survival and their decisions were determined by the overwhelming needs of their bodies. The objective of the revolution was no longer to liberate men from oppression or to found freedom; the primary aim was now to rid the life process of scarcity and to guarantee the satisfaction of the needs and happiness of the people.

Arendt notes that what she refers to as “the social question” could therefore equally well and more simply be called the existence of poverty. For her, it is the source of “the politically most pernicious doctrine of the modern age, namely that life is the highest good, and that the life process of society is the very centre of human endeavour.”¹⁵ Politics, in the true sense of the word, becomes possible only when the irresistible needs of the body are satisfied. The promise of a revolution, an absolutely new beginning, cannot be fulfilled by the violent acts of hungry bodies, but requires concerted action of citizens. It requires their common deliberation on a set of shared principles, as well as the pledging of mutual promises that binds them together. Revolutions will inevitably fail to constitute political power as long as they identify it simply with the monopoly of the means of violence. Political power can only come into being when and where people act together and “bind themselves through promises, covenants, and mutual pledges.”¹⁶ In other words, political power rests only on deliberation, reciprocity and mutuality—not on violence.

The distinction between the social and the political thus closely parallels Arendt’s distinction between violence and power. In her late essay *On Violence*, she explicates the categorical distinction between power and violence, vehemently arguing against what she claims was the consensus among political theorists from Left to Right at the time that violence was nothing more than the ultimate kind of power.¹⁷ Her pamphlet was directed at its apologists, such as Sartre and Fanon, whom she saw as glorifying violence by treating it as a positive, liberating action. She argues that whereas power—the concerted action of a group—forms the essence of all government, violence is always instrumental. It is undeniably part of politics

¹⁴ Ibid., 60.

¹⁵ Ibid., 64.

¹⁶ Ibid., 181.

¹⁷ The distinction between violence, force and power is already touched upon in *The Human Condition*, but elaborated further in the later essay *On Violence*. See Hannah Arendt, *The Human Condition*, 202. See also, e.g., Hannah Arendt, *On Revolution*, 179-181.

because it can be used as a means of pursuing various political goals and causes but, crucially, it is ontologically apolitical. As a mere means it always needs justification through the political end or cause that it espouses. On its own violence remains apolitical: it lacks direction and inherent meaning.

The reason why violence is understood as a political question at all is because it is so often fused with power, even though by its very nature it is fundamentally antithetical to power. Under threat of violence, the capacity to realise the human possibility of acting in concert is diminished and potentially destroyed. "Power and violence are opposites; where one rules absolutely, the other is absent. Violence appears where power is in jeopardy, but left to its own course it ends in power's disappearance."¹⁸ Violence can destroy power and politics, but it can never produce them.¹⁹

To sum up this section, Arendt's key concern was to redeem the intrinsic value of the political. Politics should not be reduced to an instrumental means to the apolitical ends of natural life: survival, pleasure and happiness. It has to remain an end in itself and therefore to retain its specificity as public action and speech. The distinction between the social and what is truly political is thus fundamental for her philosophical response to the crisis and decline of the public realm of politics in modern societies. It is a resurrection of the ancient answer to the question of why men are not ants. The restoration of the ancient distinction between *polis* and *oikos* could restore not only the specificity but also the dignity of politics, and by the same token separate it from the realm of biological life and inescapable violence. Arendt's understanding of the political thus provides an agonistic account of political action that is nevertheless irreducible to violence. This fortification of the political does not imply the strengthening of the state, but rather heralds the revitalisation of public life, political debate and participation.

The price we pay is the radical narrowing of the realm of the political, however. All issues belonging to the social—such as poverty, sexuality and gender—are economic, biological or technological questions rather than appropriately political questions. Political and social equality must remain distinct issues. As her critics have pointed out, in protecting the *sui generis* character of her politics and the purity of the public realm, Arendt effectively prohibits the politicisation of issues of social justice.²⁰ While alerting us to the dangerous merging of life and politics in Modernity she would nevertheless insist that biopolitics must remain an oxymoron, the merging of two ontologically incompatible concepts.

¹⁸ Hannah Arendt, *On Violence* (San Diego: Harcourt Brace, 1970), 56.

¹⁹ James Dodd argues that Arendt's instrumental account of violence appears more complex if her separation of labour and work in *The Human Condition* is understood as leading to the idea that the order of instrumentality characterising work is a kind of violence. She describes the emergence of the sphere of human works as a form of constitutive violence: the world of instruments, of produced and built things, represents a violent breaking free from the monotony and impermanence of the incessant metabolism with nature that is embodied in labour. The world, understood as more than nature, can thus be understood to be born of ordinary violence against the givenness of nature. James Dodd, *Violence and Phenomenology* (New York and London: Routledge, 2009), 58-60.

²⁰ Bonnie Honig, "Toward an Agonistic Feminism: Hannah Arendt and the Politics of Identity," in Bonnie Honig (ed.), *Feminist Interpretations of Hannah Arendt*, 135.

Agamben and the Originary Violence of Sovereignty

In their respective analyses of biopower, both Foucault and Agamben follow Arendt in maintaining that the political realm in Modernity has become more and more preoccupied with the management of biological life. They both deny that we should or could restore the classical political categories, as proposed by Arendt, however. This denial brings violence back to the heart of politics, but in fundamentally different ways. Whereas Foucault considers the birth of biopower a contingent historical fact, which he dates to the second half of the eighteenth century, Agamben sees it as an originary phenomenon contemporaneous with the entire history of Western metaphysics.

Agamben's analysis of the relationship between political power and biological life in his influential book *Homo Sacer: Sovereign Power and Bare Life*, builds on some of the key ideas of Arendt and Foucault, but the way he appropriates them for his own theory is highly original and challenging. He begins by confirming Arendt's claim that "Today politics knows no value... other than life."²¹ The politicisation of life as such constitutes a decisive event of modernity and signals a radical transformation of the political and philosophical categories of Ancient thought. He breaks sharply with Arendt, however, in denying that the distinction between biological and political life has, ever since its very inception, held fast. Life has always been a definitive object of politics. The explicit preoccupation with life in modern politics only brings to light the way in which politics has always been founded on power over natural life. In taking biological life as its primary target, the modern state only exposes the hidden but originary bond between sovereign power and bare life.

Agamben acknowledges that politics was, since the time of Aristotle, explicitly separated from natural life. The Ancient distinction between *zoe* and *bios*, natural life and political life, grounded the idea that politics was concerned with something more than just the perpetuation of biological life. It was fundamentally defined by such specifically human characteristics as justice, morality, language and self-reflexivity. According to Agamben, the distinction between bare life and political life was always an unstable distinction, however: a distinction that could never be fully maintained nor eliminated. The exclusion of bare life outside of the political has to be understood to be at the same time an inclusion in being a founding act: it is the very act that establishes the community as political. He calls this inclusive exclusion a relation of exception: it is the extreme form of relation by which something is included solely through its exclusion.²²

There is politics because man is the living being who, in language separates and opposes himself to his own bare life and, at the same time, maintains himself in relation to that bare life in an inclusive exclusion.²³

Bare life, through its exclusion, is the hidden foundation of politics. It is what political, properly human life is not, and politics must therefore repeatedly enact its exclusion.

²¹ Giorgio Agamben, *Homo Sacer: Sovereign Power and Bare Life* (Stanford: Stanford University Press, 1998), 10.

²² *Ibid.*, 18.

²³ *Ibid.*, 8.

This means that Agamben's concept of bare life does not simply denote biological, animal life. While he sometimes uses the term as a synonym for biological life as opposed to political life, bare life is strictly neither natural nor political life, neither the public life of a citizen nor the natural life of an animal. Agamben's examples of it include: detainees of refugee camps, brain dead patients in hospital wards and inmates in death row. In these exemplary sites, human life is in different ways reduced to bare life, to the simple fact of living common to all living beings. Bare life is thus something that cannot be clearly demarcated and then simply negated.²⁴ It is biological life that has been politicised in being included in the political community, but only through its exclusion.

The idea of exception is also central for Agamben's conception of sovereignty, which is decisively Schmittian: the sovereign is the one who decides on the state of exception.²⁵ Schmitt argued that any legal system had to rest upon a decision that could not itself take the form of law. This holds true to both its limits as well as its origin: the judicial system requires a political decision to give it limits as well as a set of fundamental principles and values. The sovereign must have the power to set these limits and thereby provide the ungrounded ground of the law. He must have the power to decide when the normally valid legal system operates and when its validity is suspended in a state of exception. In establishing the threshold between the legal and the non-legal he defines them both. Similar to the way that the exclusion of bare life founds the realm of the political, the exclusion of sovereignty from the realm of the law founds the legal order. The state of exception is not anarchy or chaos because an order still exists, even if it is not the order dictated by laws. The exception is outside the law, but it thereby defines its limits and creates the normal situation in which the law can be in force.²⁶

²⁴ Catherine Mills argues similarly in her seminal book on Agamben that the notion of bare or naked life (*nuda vida*) has given rise to a great deal of misunderstanding in literature on *Homo Sacer*. While Agamben often appears to use the term simply as a synonym for natural or biological life (*zoe*), she shows that his aim is in fact to question the distinction between *bios* and *zoe*. Bare life is neither natural nor political life because it is the politicised form of natural life. See, Catherine Mills, *The Philosophy of Agamben* (Stocksfield: Acumen, 2008), 64, 69. Other commentators also note that the concept is never precisely defined. See e.g., Andrew Norris, "The Exemplary Exception: Philosophical and Political Decisions in Giorgio Agamben's *Homo Sacer*," in Andrew Norris (ed.), *Politics, Metaphysics, and Death. Essays on Giorgio Agamben's Homo Sacer* (Durham and London: Duke University Press, 2005), 270. Peter Fitzpatrick, "Bare Sovereignty: Homo Sacer and the Insistence of Law," in Andrew Norris (ed.), *Politics, Metaphysics, and Death*, 65.

²⁵ Carl Schmitt presents his influential theory of sovereignty in *Constitutional Theory* and the first volume of *Political Theology*. See Carl Schmitt, *Political Theology: Four Chapters on the Concept of Sovereignty* (Chicago: University of Chicago Press, 2006). Carl Schmitt, *Constitutional Theory* (Durham and London: Duke University Press, 2008).

²⁶ See Giorgio Agamben "The State of Exception," in Andrew Norris (ed.), *Politics, Metaphysics, and Death*, 289. Peter Fitzpatrick argues that Agamben moves markedly beyond the conception of sovereignty extracted from Schmitt because for Schmitt the sovereign was still a juridical entity. For Schmitt the sovereign decision cannot be simply beyond the normal order and preformed law, but is also imbued with law. If sovereign claims are to be any more than evanescent and assume operative continuance, they must be integrally tied to law. Law constitutes the decision maker himself and constitutes the matters decided upon. Exception must be distinguishable from juristic chaos and therefore it is the legal system itself, which can anticipate the exception and suspend itself. Although the sovereign stands outside the normally valid legal

Sovereignty, understood in this way, thus corresponds crucially to bare life. Bare life is the exception within the political order because it forms the zone outside of the law and of political rights. The exclusion of bare life from the realm of politics establishes sovereign power as the power that decides on that exception: bare life is the essential referent of the sovereign decision. In other words, the exclusion of bare life as the exception forms the condition of possibility of politics, and also of sovereignty. The state of exception excludes bare life from the political community, but by the same token also captures it within it as the exception. It is the permanent state of exception that constitutes the hidden foundation on which the entire political system rests.²⁷ For Agamben, the defining feature of political power in the West is precisely its ability to suspend the law, and by the same act, to produce a sphere of bare life: beings without political rights or properly human qualities.

Because the exclusion of bare life forms the foundation of sovereignty, and sovereignty in turn produces bare life, the necessary counterpart of the sovereign in Agamben's thought is *homo sacer*—an ancient figure in Roman law who was without any political rights and who could be killed by anybody without fear of any legal punishment. Similar to *homo sacer*, the sovereign must be outside the law, he must necessarily stand outside the legal system in order to be able to decide on its suspension. He is excluded from the political realm in the same sense that *homo sacer* is excluded from it, and this constitutes their hidden and originary bond. The sovereign is one who can kill without legal punishment—he is the point of indistinction between violence and the law—and *homo sacer* is one who can be killed without legal punishment. They both are within and without the legal order:

At the two extreme limits of the order, the sovereign and *homo sacer* present two symmetrical figures that have the same structure and are correlative: the sovereign is the one with respect to whom all men are potentially *homines sacri*, and *homo sacer* is the one with respect to whom all men act as sovereigns.²⁸

Bare life and political power, *homo sacer* and the sovereign are “the two poles of the sovereign exception” irrevocably tied together.²⁹ *Homo sacer* represents the bare life that must be excluded and negated in order for the political community to become more than an ant society. Andrew Norris explicates the importance of the figure of *homo sacer* in Agamben's account by comparing it to René Girard's superficially similar account of sacrifice. Whereas for Girard the victim is a scapegoat for the murderous desires of the community, for Agamben the stakes are considerably higher. Instead of an act of self-protection on the part of the community, the killing of sacred life is the performance of the metaphysical assertion of the human: *homo sacer*

system, he nevertheless belongs to it, and sovereignty remains a juristic concept. In other words, sovereignty could not be sovereign without the law. The law and sovereignty depend on each other in a way that means that the law cannot simply be subordinated to sovereignty instrumentally. See Peter Fitzpatrick, “Bare Sovereignty: Homo Sacer and the Insistence of Law,” in Andrew Norris (ed.), *Politics, Metaphysics, and Death*, 58-60.

²⁷ Giorgio Agamben, *Homo Sacer*, 15-29.

²⁸ *Ibid.*, 84.

²⁹ *Ibid.*, 110.

must die so that the rest of the political community may affirm the transcendence of their bodily, animal life.³⁰

Agamben's account also significantly relies on Foucault's concept of biopower, but the way he appropriates this idea is different. Foucault's analysis of biopower in the final section of *The History of Sexuality, Vol. 1* is short and fragmentary, but the key distinction that he makes is between sovereign power, or juridico-institutional power and biopower. Whereas classical sovereign power was essentially repressive and deductive, biopower has a fundamentally different rationality. Its purpose is to exert a positive and productive influence on life, to optimise and to multiply it. It is an important tool in Foucault's attempt to rethink power: to find ways in which to theorise it that are not caught up in the narrow juridico-institutional framework of sovereignty that has dominated Western political thought.

Although Agamben shares with Foucault the view that modern Western societies are biopolitical, he challenges the idea that this is a historically recent development: "Biopolitics is at least as old as the sovereign exception."³¹ More fundamentally, he also denies that the two forms of power can be theoretically distinguished. Foucault's key distinction between biopower and sovereign power is, in fact, a false one because these two forms of power essentially intersect and depend on each other. They are intrinsically and originally tied together:

The present inquiry concerns precisely this hidden point of intersection between the juridico-institutional and the biopolitical models of power. What this work has had to record among its likely conclusions is precisely that the two analyses cannot be separated, and that the inclusion of bare life in the political realm constitutes the original – if concealed – nucleus of sovereign power.³²

Agamben argues that Foucault's thesis about biopolitics has to be corrected: what characterises modern politics is not the inclusion of life—the fact that life as such has become the principle object of the projections and calculations of State power. The decisive fact is rather that the realm of bare life—which was originally situated at the margins of the political order—gradually begins to coincide with the political realm, and inclusion and exclusion, outside and inside, enter into a zone of irreducible indistinction. Bare life used to be exceptional and excluded from public life, but in Modernity it has become coextensive with the political realm as a whole. The boundary between *bios* and *zoe* that was always indeterminate and blurry has now been completely eliminated and they are no longer distinguishable from each other at all.

Agamben's provocative claim is that the rise of this zone of indistinction in modern societies means that the state of exception has gradually become more and more the norm: the exception has become the rule. He argues that the obfuscation of the distinction among legislative, executive and judicial powers became a working paradigm of government in Western democracies in the course of the twentieth century. Although the state of exception

³⁰ Andrew Norris, "Introduction: Giorgio Agamben and the Politics of the Living Dead," in Andrew Norris (ed.), *Politics, Metaphysics, and Death*, 10.

³¹ Giorgio Agamben, *Homo Sacer*, 6.

³² Ibid.

was initially meant to be a provisional measure, it has in fact become a lasting characteristic of government. This transformation of an exceptional measure into a permanent technique of government has resulted in the gradual erosion of the legislative power of parliament: it is often limited to ratifying measures that the executive issues through administrative decrees that have the force of law.³³ "The state of exception... ceases to be referred to as an external and provisional state of factual danger and comes to be confused with juridical rule itself."³⁴ As a result, "exclusion and inclusion, outside and inside, *bios* and *zoe*, right and fact, enter a zone of irreducible indistinction."³⁵

Sovereignty thus produces bare life by establishing a state of exception with no temporal limits. We are all living in this state of exception, in a zone in which our life is subjected to the unmediated power of various police sovereigns and managers of life. We are all effectively reduced to the status of *homo sacer*. As citizens of modern democracies we are obviously not excluded from the political realm or the legal system as such, but when the state of exception becomes the norm or the rule the legal order operates only by suspending itself. In the state of exception the suspension of the law has become the rule and the law is "in force without significance."³⁶ The law is not absent—we do not live in a lawless state—but it is emptied of concrete meaning and suspended in its effective application. In this situation sovereign power becomes unmediated power over those whose existence is reduced to bare life. Politics has been "totally transformed into biopolitics"³⁷ when it is impossible to distinguish our biological life from our political existence anymore and when the resulting bare life can be destroyed by sovereign power at any moment.

Hence, although the biopolitical logic of modernity places the highest value on life, it also, paradoxically, contains the exceptional power to take it away in an arbitrary fashion. It produces human beings that are reduced to bare life without any political protection. Agamben sees the concentration camp as the paradigm of this political predicament of modernity: it is the exemplary biopolitical space in which politics has been completely transformed into biopolitics and bare life has been subjected absolutely to sovereign power. The camps were opened when the state of exception had become the rule in Nazi Germany. He notes that "the Jews were exterminated exactly as Hitler had announced, 'as lice', which is to say, as bare life."³⁸ The dimension in which the extermination took place was neither religious nor legal, but biopolitical. Because the people sent to the camps were lacking almost all the rights that are normally attributed to humane existence, and yet they were biologically alive, they came to be situated in a limit-zone in which they no longer had anything but bare life. They moved in "a zone of indistinction between outside and inside, exception and rule, licit and illicit, in which the very concepts of subjective right and juridical protection no longer made any sense."³⁹ The concentration camp was the most absolute biopolitical space that had ever been

³³ Giorgio Agamben, *State of Exception* (Chicago: University of Chicago Press, 2005).

³⁴ Giorgio Agamben, *Homo Sacer*, 168.

³⁵ *Ibid.*, 9.

³⁶ *Ibid.*, 51.

³⁷ *Ibid.*, 120.

³⁸ *Ibid.*, 114.

³⁹ *Ibid.*, 170.

realised: it was a space in which life was reduced to the bare minimum and sovereign power reached its maximum. It is therefore the exemplary place of modern biopolitics, “the hidden paradigm of the political space of modernity.”⁴⁰

Agamben regrets that both Arendt and Foucault overlooked this crucial site. Arendt’s mistake in her pertinent analysis of the totalitarian states of the postwar period was to omit any biopolitical perspective. What escaped her was the way in which the radical transformation of politics into biopolitics had legitimated and necessitated total domination. Foucault, on the other hand, missed the most glaring manifestation of biopower that confronted him. His error was to overlook the most exemplary place of modern biopolitics, the politics of the great totalitarian states. In other words, contemporary political thought has failed to situate the totalitarian phenomenon in the horizon of biopolitics and therefore ultimately to make sense of it.⁴¹ Agamben’s provocative claim is that until this is done Nazism and fascism will remain with us. The camp is not just a historical fact and an anomaly belonging to the past; it is the hidden matrix of the political space in which we are still living.⁴²

For many readers, this emblem of the camp has come to stand in for Agamben’s complex account of biopolitics. It has fuelled a lot criticism against him: he has been accused of constructing politically debilitating metaphysical fictions and morbid intellectual pontifications. Michel Dillon argues that he ontologises political modernity and then “iconicises” this ontologisation in the compelling, but politically debilitating figure of the camp.⁴³ Andreas Kalyvas observes that he “gives us no explanation for the sovereign’s repeated victories and unstoppable march toward the camp.”⁴⁴ His commentators have also pointed out that his understanding of bare life is theoretically ambiguous and his notion of sovereignty disturbingly ahistorical: the originary bond between bare life and sovereign power not only survives Antiquity, but extends unchanged over a period of twenty-five centuries right through to the Modern age. Sovereign biopolitics has uninterruptedly accompanied the ancients and moderns alike, remaining unaffected by significant political events, such as the birth of the Ancient Greek democratic city or the emergence of commercial capitalism. Agamben thus operates with a conception of history that does not bring forth anything new, but is uniform and unidirectional.⁴⁵

It is important to note that Agamben’s claims about politics are precisely ontological and not ontic, or that they are concerned with the history of metaphysics, not political history. For him, metaphysics is the pivotal *political* question of our time. The radicality of his project lies in the attempt to fundamentally disturb the metaphysical categories that he claims are upholding our conception of the political: bare life/political existence, *zoe/bios*, exclusion/

⁴⁰ Ibid., 123.

⁴¹ Ibid., 119-120, 148.

⁴² Ibid., 166.

⁴³ Michael Dillon, “Cared to Death. The Biopoliticised Time of Your Life,” *Foucault Studies*, 2 (2005): 38.

⁴⁴ Andreas Kalyvas, “The Sovereign Weaver: Beyond the Camp,” in Andrew Norris (ed.), *Politics, Metaphysics, and Death*, 112-113.

⁴⁵ Ibid., 110-113. See also Peter Fitzpatrick, “Bare Sovereignty: Homo Sacer and the Insistence of Law,” in Andrew Norris (ed.), *Politics, Metaphysics, and Death*, 54-56.

inclusion. He shows how the construction, blurring and finally eradication of the distinction between biological life and political life has determined the political destiny of the West. Instead of defining the political through a focus on life that is recognised as just and good—the form of life proper to human community—he focuses on the other side of this fundamental dichotomy: on bare life, the forms of life that in one way or another fail to achieve what is understood as truly human life. He wants to show that our conception of the political is not constituted solely by the idea of a community inclusive of beings capable of morality, self-reflexivity and speech, but by the exclusion of life that is unworthy of politics. Sovereign decision is the moment of this fundamental and constitutive separation and exclusion. Sovereignty can therefore not be thought of as a historically specific political formation contemporaneous with modern nation states. It has to belong essentially and originally to our understanding of the political.

In sum, Agamben's answer to the question of the relationship between violence and the political is to acknowledge the irreducibility of sovereign violence over bare life. In relation to the sovereign we are all ants. The political has inevitably been founded on violence since its inception because of the fundamental bond between sovereignty and bare life. This is an originary political bond or structure, which implies that political power, at least in the forms we know in the West, is inseparable from violence because it cannot be separated from the sovereign's originary power to kill. Arendt's attempt to resurrect the Ancient meaning of the political as defined by speech and not violence is a doomed attempt because it was never in fact achieved. The way of life in the Greek *polis* was not based on the eradication of violence, it was founded on the exclusion and killing of bare life. This inclusive exclusion founded the political community and sovereign power. The first foundation of politics is thus life that may be taken away, a body that can be killed. Life is politicised irrevocably through its capacity to be destroyed by the sovereign.

This means that, for Agamben, we cannot sever the originary bond between violence and the political by any nostalgic restoration of Ancient metaphysics. The loss of politics is not a modern problem, but happens already in the Ancient *polis* where *zoe* and *bios* were originally separated. The only genuine possibility for breaking this essential bond would require a move beyond the metaphysical categories of bare life and political life to a sovereignless political community. This coming community would not be based on national or religious identity, stable juridical or parliamentary institutions or political rights. It is a utopian, messianic idea of a community.⁴⁶

⁴⁶ A detailed discussion of Agamben's idea of the coming politics must remain outside of this paper. In *Homo Sacer* Agamben suggests that we could move beyond the categories of bare life and political life: "...bare life must itself... be transformed into the site for the constitution and constellation of a form of life that is wholly exhausted in bare life and a *bios* that is only its own *zoe*." (Giorgio Agamben, *Homo Sacer*, 188). The idea of a sovereignless political community is developed in *The Coming Community* (Minneapolis and London: University of Minnesota Press, 1993). His critics have argued that he is the least convincing and the most obscure when he attempts to offer us political alternatives to biopower. Andreas Kalyvas, for example, argues that his elusive notion of the sovereignless coming community, beyond rights and legal norms, comes dangerously close to one of an extralegal, permanent, though sovereignless exception. It ultimately dissolves into an eschatological utopian vision of social life: society without institutions or any modern structure of

Foucault on Sovereignty and Biopower

If Agamben has been criticised for operating with an ahistorical notion of sovereignty, Foucault has been accused of eradicating the notion completely and replacing it with distinctively modern forms of power, such as discipline and biopower. While it is true that he never developed any kind of explicit theory of sovereignty, the notion is nevertheless indirectly theorised as the consistent contrast to his alternative conceptualisations of power. In *Discipline and Punish*, sovereign power forms the contrast to discipline and in *The History of Sexuality*, the central distinction organising the argument is between biopower and sovereignty. In his lectures on governmentality, mechanisms of security are introduced as an alternative to both discipline and sovereignty. Rather than replacing sovereignty with these alternative forms of power, it is my contention that Foucault was working towards a more historically and politically grounded conception of it. He thus contests traditional approaches to theorising political power based solely on juridical and institutional models, and advocates a radical rethinking in order to understand its historical changes and specific forms in modernity. His idea was that sovereignty had to be analysed as a power formation that had undergone fundamental transformations in Western political history. It has been challenged, modified and undermined by competing counter-discourses and new techniques of power.

In his lectures on governmentality, he argues that the form of power that had sovereignty as its modality or organising schema was not up to governing the economic and political body of a society that was undergoing both a demographic explosion and industrialisation at the turn of the nineteenth century. Too much escaped the old mechanisms of sovereign power, on both the detailed and the mass level. There was an acute need for new power technologies focusing on individual bodies as well as on the species body. Sovereign power was not comprehensive or flexible enough to respond effectively to new capital formations and demographic changes.

Foucault explicitly notes, however, that charting the genealogy of modern forms of power such as biopower is not a simple case of substitution. Mechanisms of biopolitical governmentality did not simply replace juridico-institutional mechanisms. The old sovereign right to take life or let live was not replaced, but was rather complemented with a new right to make live and let die.⁴⁷ He attempted to identify a turning point in the seventeenth and eighteenth centuries when the management of population took pre-eminence without replacing sovereignty and law. These two forms of power thus permeate each other and exist together forming a “scientifico-legal complex.”⁴⁸ This co-existence is not necessary or originary, however, as Agamben claims; for Foucault, it is historically contingent.

rights and institutionalised liberties. Andreas Kalyvas, “The Sovereign Weaver: Beyond the Camp,” in Andrew Norris (ed.), *Politics, Metaphysics, and Death*, 116. For an interesting account of “affirmative biopolitics,” see Roberto Esposito, *Bios. Biopolitics and Philosophy* (Minneapolis and London: University of Minnesota Press, 2008).

⁴⁷ See e.g., Michel Foucault, *Security, Territory, Population. Lectures at the Collège de France 1977-78*, ed. by Michel Senellart, trans. by Graham Burchell (Basingstoke: Palgrave MacMillan, 2007), 219.

⁴⁸ Michel Foucault, *Discipline and Punish: The Birth of the Prison*. Trans. by Alan Sheridan (Harmondsworth: Penguin, 1991).

Foucault's short but influential discussion of biopower at the end of *The History of Sexuality*, Vol. 1, begins with a summary definition of sovereign power: it is a form of power that was historically founded on violence—the right to kill. Its characteristic privilege, since Roman law, was the right to decide life and death. In its limited modern form, as in its ancient and absolute form, it is dissymmetrical: the sovereign exercises his right of life only by exercising his right to kill or by refraining from killing. In other words, he demonstrates his power over life through the death he is capable of requiring. Sovereign power was exercised mainly by means of deduction: it consisted of the right to appropriate a portion of the nation's wealth, a tax on products, goods and services, time, bodies and ultimately, life itself. It culminated in the privilege to seize hold of life in order to suppress it.⁴⁹ The obligation to wage war on behalf of the sovereign and the imposition of the death penalty for going against his will were the clearest forms of such power.

Foucault's claim is that the West has undergone a very profound transformation of the mechanisms of power since the seventeenth century. Deductive and violent sovereign power has been gradually complemented and partly replaced by biopower, a form of power that exerts a positive influence on life, "that endeavours to administer, optimize, and multiply it, subjecting it to precise controls and comprehensive regulations."⁵⁰ Deduction or violence is no longer the predominant form of power, but is merely one element among others, working towards a new objective under a new rationality. Biopower is bent on generating and ordering forces: the aim is to increase them rather than to impede or destroy them. In short, its logic or rationality is not violent deduction, but positive production.

The era of biopolitics is marked by the explosion of numerous and diverse techniques for achieving the subjugation of bodies and control of populations: techniques that coordinate medical care, normalise behaviour, rationalise mechanisms of insurance and rethink urban planning, for example. The aim is the effective administration of bodies and the calculated management of life through means that are scientific and continuous. It is power whose highest function is no longer to kill but to "invest life through and through."⁵¹ What essentially characterises biopower in Foucault's account is thus not the fact that it is unmediated power over bare life, but the fact that the mechanisms of power and knowledge have assumed responsibility for the life process in order to optimise, control and modify it. In other words, the exercise of power over living beings no longer carries the threat of death, but implies the taking charge of their life. Life and its mechanisms are brought into the realm of explicit calculation in the regimes of knowledge-power.

The rationality of biopower is markedly different from that of sovereign power in terms not just of its objectives but also of its instruments. A major consequence of its development is the growing importance of the norm at the expense of the juridical system of the law. The law is always armed and is based on violence, whereas biopower takes charge of life with the help of continuous regulatory and corrective mechanisms based on knowledge. Foucault argues that the rise of biopower means that we have entered a phase of juridical regression:

⁴⁹ Michel Foucault, *The History of Sexuality*, Vol 1, 23.

⁵⁰ *Ibid.*, 137.

⁵¹ *Ibid.*, 139.

I do not mean to say that the law fades into the background or that the institutions of justice tend to disappear, but rather that the law operates more and more as a norm, and that the judicial institution is increasingly incorporated into the a continuum of apparatuses (medical and administrative, and so on) whose functions are for the most part regulatory. A normalizing society is the historical outcome of a technology of power centred on life.⁵²

According to Foucault, biopower uses administrative policies, strategies and tactics instead of laws as its instrument, or it uses laws *as* a tactic. Biopolitical rationality treats the law as one administrative technique among others that can be utilised to regulate and improve the life of the population. Biopolitical techniques do not typically result from sovereign parliamentary decisions, but are part of the administrative and managerial procedures legitimised by expert knowledge.

Both Agamben and Foucault thus claim that we live in a society in which the power of the law has subsided. Whereas Agamben sees this as a result of the sovereign state of exception that has become the norm, Foucault claims that it is the power of sovereignty itself that has been undermined. Biopower is not political power in the traditional sense because it is not reducible to the power of a democratically elected sovereign body, whether individual or collective. It penetrates such political power, but it is essentially the power of life's experts, interpreters and administrators. The key problem with biopower is thus not the foundational violence of the sovereign, but the depoliticised violence of expert knowledge.

Because Agamben connects sovereignty and biopower with an originary bond, his framework makes it difficult to diagnose the profound tensions that exist in modern societies between these two fundamentally different rationalities and types of power. Whereas the essential feature of sovereign power is its license to kill, for biopower killing presents a problem: it does not celebrate death and violence, but seeks to exclude or at least to hide them. Foucault notes that death has ceased to be a collective and spectacular ceremony in modern biopolitical society, but has become something to be hidden away: it is "not so much sex as death that is the object of a taboo."⁵³

This obviously does not mean that modern biopolitical societies are non-violent. On the contrary, violence is harder to detect because it has to be hidden. Foucault readily acknowledges the unprecedented violence of modernity: the biological conception of politics has made killing possible on an unprecedented scale.⁵⁴ Biopower is thus clearly capable of utilising violence, but only under very specific conditions and restricted by defined limits. The violence it uses has to be hidden away or called something else because it presents a problem in the rationality of biopolitics, the explicit aim of which is the optimisation and enhancement of life. The connection with violence has to be mediated: biopolitical violence must pass

⁵² Ibid., 144.

⁵³ Michel Foucault, *Society Must Be Defended: Lectures at the Collège de France 1975-76*, ed. by Mauro Bertani and Alessandro Fontana, English series ed. Arnold I. Davidson, trans. by David Macey (Harmondsworth: Allen Lane, Penguin), 247.

⁵⁴ Michel Foucault, *The History of Sexuality*, Vol. 1, 136-37.

through the regime of knowledge/power and it must be given a scientific legitimacy that is compatible with the aims of biopolitics.

In arguing that Foucault does not analyse the politics of the great totalitarian states, Agamben overlooks his last lecture in the series *Society Must be Defended*, in which he referred to the phenomenon of State racism in Nazi Germany as an example of the paradoxes in the exercise of modern biopower. He anticipated Agamben's argument by acknowledging that Nazi Germany could be seen in many ways as the extreme development of biopower: there was no other state in which "the biological was so tightly, so insistently, regulated."⁵⁵ However, he posed the question of how a political system so completely centred upon biopower could unleash such murderous power and in fact utilise the old sovereign right to kill. "How can power such as this kill, if it is true that its basic function is to improve life, to prolong its duration, to improve its chances, to avoid accidents, and to compensate for failings?"⁵⁶

His answer was biological racism, which provided a way of separating the different groups that exist within a population and then establishing a biological relationship between them. This was not an adversarial relationship between enemies—the inferior group was not the enemy threatening the nation's existence in the Schmittian sense. It was rather a biological relationship of abnormality: the inferior group had to be eliminated as a biological threat to the population and its improvement. The death of the inferior race would make life in general healthier. The objective to improve life for its own sake could thus legitimise killing within the rationality of biopower. The logic of biological racism was the condition that made killing acceptable in biopolitical societies.

In the biopolitical system... killing, or the imperative to kill, is acceptable only if it results not in a victory over political adversaries, but in the elimination of the biological threat to and the improvement of the species or race... Once the State functions in the biopower mode, racism alone can justify the murderous function of the State.⁵⁷

It is thus highly significant that the racism of Nazi Germany was essentially different from "ordinary" racism, which takes the form of mutual contempt or hatred between races. The specificity of modern biopolitical racism is bound up with a technique of power that allows biopower to work. When racism becomes the racism of a biopolitical state, "it is obliged to use race, the elimination of races and the purification of the race, to exercise sovereign power."⁵⁸ In biopolitical societies, a sovereign power cannot simply assume unmediated power over bare life if it wants to kill its own citizens, but must pass through the regime of power/knowledge and gain bioscientific legitimacy. Biological racism provided a pseudo-scientific discourse that was compatible with biopower, and through which biopower could be transformed into sovereign power.

⁵⁵ Michel Foucault, *Society Must Be Defended*, 259.

⁵⁶ *Ibid.*, 254.

⁵⁷ *Ibid.*, 256.

⁵⁸ *Ibid.*, 258.

The Third Reich thus became a monstrous combination of biopower and sovereign power, exercising sovereign means for biopolitical ends. Genocide was carried out in the name of care and the improvement of life:

We have, then, in Nazi society something that is quite extraordinary: this is a society which has generalized biopower in an absolute sense, but which has also generalized the sovereign right to kill. The two mechanisms – the classic, archaic mechanism that gave the State the right the life and death over its citizens... and the new mechanism of biopower – coincide exactly.⁵⁹

Foucault thus agrees with Agamben that the tension between biopower and sovereign power was dissolved in the Third Reich and the two coincided exactly. This coincidence was not originary and necessary, however; it was historically contingent. It was made possible because of two crucial factors. Firstly, biological racism worked as the mechanism that harmonised the opposing rationalities of biopower and sovereign power, and masked the fact that a biopolitical society was killing its own people. Secondly, the Third Reich was also a society in which the sovereign power to kill ran through its entire social body. It was granted not only to the State, but also to a whole series of individuals, such as members of the SA and the SS:

Ultimately everyone in the Nazi State had the power of life and death over his or her neighbours, if only because of the practice of informing, which effectively meant doing away with the people next door, or having them done away with.⁶⁰

It was sovereign power—not just biopower—that was taken to its extreme limit.

For Foucault, the seamless coincidence of sovereign power and biopower in Nazi Germany was thus a historically contingent conglomeration of factors, “the paroxysmal point” in the play between the sovereign right to kill and the mechanisms of biopower geared towards the protection and enhancement of life.⁶¹ The concentration camp was not the exemplary unmasking of an originary connection between violence and political power in modernity, but “a demonic combination” of two fundamentally different rationalities of power: biopower and sovereign power.⁶² As Mika Ojakangas observes, Foucault considered these two forms of power to have become intermingled, modern states being the resulting combination. This is not the case, however, because there are hidden *de jure* ties between sovereign power and biopower, as Agamben claims. It is rather that sovereign states have *de facto* used bio-political methods, just as modern biopolitical societies have *de facto* hinged on principles of sovereignty.⁶³

⁵⁹ Ibid., 260.

⁶⁰ Ibid., 259.

⁶¹ Ibid., 260.

⁶² Michel Foucault, “*Omnes et Singulatim*: Toward a Critique of Political Reason,” in *Power: Essential Works of Foucault 1954-1984*, Vol. 3, ed. by James D. Faubion, series ed. Paul Rabinow, trans. by Robert Hurley and others (New York: New Press, 2000), 311.

⁶³ Mika Ojakangas, “Impossible Dialogue on Bio-power: Agamben and Foucault,” *Foucault Studies*, No 2, (2005), 15.

Conclusion: Biopolitical Violence

Both Foucault and Agamben describe modern biopolitics as a political system that is characterised by the indistinction of tactics and laws, norms and facts. They both warn us that “in the biopolitical horizon that characterises modernity, the physician and the scientist move in the no-man’s-land into which at one point the sovereign alone could penetrate.”⁶⁴ However, they differ on their views on the grounds of modern biopower as well the possible forms of resistance against it due to their fundamentally different understandings of sovereignty.

Foucault has a more historically and politically grounded conception of sovereignty than Agamben, but it is theoretically very rudimentary. He understands sovereign power essentially as a repressive and coercive form of power, which operates through legal prohibitions. This narrow conception leads him to claim that sovereignty fails to account for the modern biopolitical techniques of power that function largely outside of the law. We need an understanding of political power that can account for the way that sovereignty has incorporated elements that are productive of life: forms of power that administer and manage life outside the juridical realm. Agamben, on the other hand, relies on a Schmittian understanding of sovereignty according to which sovereignty is irreducible to the law because it must form its constitutive condition: it can issue policies that are nothing other than politically driven sovereign decisions. Therefore, it is exactly sovereignty that must account for those modern biopolitical mechanisms that fall through the grid of the juridical realm.

Agamben’s account can be understood as a re-conceptualization of sovereignty, which Andreas Kakyvas has aptly called “bio-sovereignty.”⁶⁵ Bio-sovereignty does not simply exercise external control over its subjects or limit itself to the juridical regulation of social relations. Its powers are not confined to mere repression and coercion, and it does not rule solely through legal prohibitions. It is capable of producing, administering, and managing life itself, and ultimately deciding on its value or nonvalue. However, by assimilating all power relations and political rationalities to this comprehensive, ahistorical and ontologised notion of sovereignty, Agamben’s account makes it very difficult to imagine forms of resistance. He does not offer us tools for the analysis of the theoretical tensions, political struggles and historical transformations that have characterised sovereignty in modernity.

In Foucault’s framework, biopower and sovereign power cannot be assimilated into one comprehensive power formation such as bio-sovereignty. Biopower is opposed to sovereign power not only in terms of its productive aims and rationality, but also in the sense that it is essentially not the power of a democratically elected sovereign body. It is typically the power of experts: managers and administrators of life. This opposition is important in terms of imagining possible forms of resistance against biopolitical violence. Rather than attempting to eradicate sovereignty, we are left with the option of trying to break apart bio-sovereignty — a form of sovereignty in which biopower and sovereign power coincide seamlessly — and strengthening the power of popular sovereignty. His analysis thus leaves open the possibility

⁶⁴ Giorgio Agamben, *Homo Sacer*, 159.

⁶⁵ Andreas Kalyvas, “The Sovereign Weaver: Beyond the Camp,” in Andrew Norris (ed.), *Politics, Metaphysics, and Death*, 109.

that a viable way to resist biopolitical violence would be to reinstall legal protections and democratic mechanisms of accountability rather than launch a wholesale critique of sovereignty aiming at its eradication.

There is no originary sovereign violence for Foucault because state-violence must always be understood as a set of specific practices connected with a historical power formation. However, the rise of biopower in modernity means that the sites for practices of state-violence unregulated by juridical mechanisms have potentially increased. Biopolitical practices of violence are typically grounded on effective policy, professional management and expert knowledge, or legitimised through the deployment of the law as an administrative tactic. They are practices of violence that are not strictly illegal, but they are extra-legal.⁶⁶

Hence, even if we do not accept Agamben's analysis that we are living in a permanent state of exception wholesale, the fact that techniques of biopower often fall outside, or through the grid of politically accountable sovereign power, implies that they can, for this very reason, easily revert to exceptional sovereign power in the Schmittian sense: biopower can become sovereign power in a state of exception uncontrolled and unregulated by any law. The biopolitical practices of violence are often hidden within various institutions in which petty sovereigns can reign, uncontrolled by parliamentary or judicial restrictions. Hence, even if we deny any *de jure* connection between biopower and sovereign power, we have to be mindful that the growing importance of the former in modernity means that the hidden sites for exceptional sovereign violence—violence that is direct, unregulated and arbitrary—have therefore also multiplied. Although Agamben's analysis of the originary intersection between sovereign power and biopower is thus inconsistent with Foucault's understanding of biopolitics to the extent that it ontologizes the biopolitical violence of the 20th century, it should nevertheless be credited as a stark and radical exposure of the dangers of biopower. The modern dominance of this distinct rationality of power centred on the care and protection of life has opened up sites for unprecedented forms of violence.

It is thus my contention that if we want to understand the specific forms that political violence takes in modernity, we need a careful analysis of the points of tension, as well as the points of coincidence, between sovereign power and biopower. By such an analysis, Foucault exposes a form of power that does not threaten us with violence, but is nevertheless an effective way of controlling and directing people's lives. The effectiveness of biopower lies precisely in the fact that it explicitly refrains from killing and instead grounds its demands on scientific truth and the goals of wellbeing and care of the population. Without an understanding of the rationality of biopower it would be difficult to explain how we willingly partake in the profound and violent disciplining and medicalisation of our lives that characterises modern societies and their specific forms of biopolitical violence. Because violence is the inverse logic of biopower, biopolitical violence is in some ways even more dangerous than sovereign violence because it is harder to detect and to regulate.

⁶⁶ See Johanna Oksala, "The Management of State Violence: Foucault's Rethinking of Political Power as Governmentality," *Graduate Faculty Philosophy Journal*, The New School for Social Research, 28, 2, (2007), 53-67.

To conclude, Foucault would agree with Arendt that what characterises modernity is that we have become ants. He contends, however, that the reason we have become ants is not that we mistakenly comprehend our biological life in political terms. We become ants precisely at the moment when we are no longer able to pose questions concerning our biological life in political terms. Political power in biopolitical societies has evaporated and has been replaced by purely administrative and economic power. Complex biopolitical techniques aim at making our life as long and happy as possible with the most scientifically advanced means available. There are no political decisions or debates left when the aims of biopower are unanimous and its means scientific. The crisis of politics in modernity cannot be resolved by depoliticising biological life in the sense of returning it to the private sphere. On the contrary, it must be explicitly politicised by dispelling its naturalness and revealing its historically specific connections with the biopolitical regime of power/knowledge.

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